(3)

IN THE M.P. STATE ADMINISTRATIVE TRIBUNAL, RAIPUR BENCH

O.A. _____ / 2002

APPLICANTS : 1. Dinesh Kumar Dhruw,
Son of Shri Brijlal Dhruw,
Aged about 33 yrs.,
Primary School Kokdi,
Block Kanker,
District Kanker (C.G.)

2. Dhanraj Tandiya
Son of Shri Brijlal Tandiya
Aged about 36 yrs.,
Middle School Dumali,
Block Kanker,
Distt. Kanker (C.G.)

3. Yashwant Rao Mane
Son of Late Sukaji Mane,
Aged about 37 yrs.,
Middle School Kewatintola,
Block Kanker,
Distt. Kanker (C.G.)

4. Arjun Ram Hidko
Son of Shri Guman Singh Hidko
Aged about 38 yrs.,
Primary School Kewatintola
Block - Kanker,
Distt. Kanker (C.G.)

5. Dilawar Singh Dhruw
Son of Shri Brijlal Dhruw,
Aged about 37 yrs.,
Primary School Kokdi
Block - Kanker,
Distt. Kanker (C.G.)

(4) (2) 4

VERSUS

1. STATE OF MADHYA PRADESH, Through the Secretary, Tribal Welfare Department, Bhopal (M.P.)

2. THE STATE OF CHHATTISGARH, Through the Secretary, Tribal Welfare Department, Raipur (C.G.)

3. THE COMMISSIONER, Tribal Welfare Department, Bhopal (M.P.)

4. THE COMMISSIONER, Tribal Welfare Department, Raipur (C.G.)

- NON-APPLICANTS

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNALS ACT, 1985

(65)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.4541 OF 2005

Petitioners : Dinesh Kumar Dhruw and others

versus

Respondents : State of Madhya Pradesh and others

Present : Mr. P.P.Sahu, counsel for the petitioners.
Ms. Sunita Jain, Panel Lawyer for the State of Chhattisgarh/respondents.

ORDER
(Passed on 19th Day of February, 2007)

The petitioners were appointed in January, 1987 (A-1) as Assistant Teacher on fixed pay of Rs.300/- per month. After completion of one year's probation, the petitioners were granted regular pay-scale of Rs.545-975/-.

2. Learned counsel appearing for the petitioners submits that the issue involved in the case is as to whether the petitioners are entitled to regular pay-scale with effect from the date of initial appointment or from the date of completion of probation period.

3. The issue involved herein was considered by the Madhya Pradesh Administrative Tribunal, Jabalpur in Original Application No.2745 of 1989 (*Madhukant Yadu and 56 others* vs. *State of M.P. and*

66

others), wherein it was held that the similarly situated teachers are entitled to regular pay-scale with effect from the date of initial appointment. The matter was taken-up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No.6892 of 1993. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay-scale from the date of initial appointment.

4. Learned counsel appearing for the petitioners further submits that this Court, while considering the same issue in the matter of ***Sushil Tiwari and others*** **vs.** ***State Government of Chhattisgarh and others*** (Writ Petition (S.) No.5976 of 2006), by order dated 7-11-2006, has granted regular pay-scale with effect from the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that the facts and question of law involved in the present writ petition are squarely covered by the decision of this Court in the case of ***Sushil Tiwari and others*** **vs.** ***State Government of Chhattisgarh and others*** (supra).

6. For the aforementioned reasons, the writ petition is allowed in terms of the decision of this Court in the matter of ***Sushil Tiwari and others*** **vs.** ***State Government of Chhattisgarh and others*** (supra). No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal